

# EXHIBIT “2”



1 A No.

2 Q Have you ever read the Complaint that was filed  
3 on your behalf or the First Amended Complaint that  
4 followed?

5 A Yes.

6 Q And to prepare yourself for today's deposition,  
7 have you looked at anything in writing?

8 A No.

9 Q For example have you looked at any documents  
10 you received in connection with any disciplinary  
11 matters --

12 A No.

13 Q -- in order to refresh your recollection?

14 A No.

15 Q Okay. Now, at the time that you -- strike  
16 that.

17 When were you hired by the City?

18 A March, I believe, 27th or 28th, 2008. I  
19 believe that's correct, eight.

20 Q When you were hired, into what position were  
21 you hired?

22 A Police officer.

23 Q Had you any prior experience as a peace officer  
24 before coming to work for Beaumont?

25 A No, I did not.

2

1 Q Where did you go to the academy?

2 A San Bernardino Sheriff's Academy, the six-month  
3 program.

4 Q Did you put yourself through the academy?

5 A Yes, I did.

6 Q And at the present time your rank is police  
7 officer?

8 A That is correct.

9 Q Have you ever been promoted from police officer  
10 to any other rank during the time that you've been with  
11 the Beaumont Police Department?

12 A No.

13 Q Have you ever applied for any promotions while  
14 employed by the department?

15 A No.

16 Q Have you worked any special assignments other  
17 than patrol assignments while working for the department  
18 up to this point?

19 A No.

20 Q Have you applied for any such assignments?

21 A No.

22 Q Now, are your patrol cadres identified by shift  
23 or by team? How does that work?

24 A Teams or shifts. Basically we've changed quite  
25 a bit, but right now we have different shifts, and then

1 possibly Ortiz, but I could be wrong because we had a  
2 lot of shifts going on, but I know Davis was one of the  
3 main people.

4 Q Do you know who were the board members of the  
5 BPOA back in April, 2011?

6 A I can't specifically say. I can't give an  
7 answer, unfortunately.

8 Q Do you recall if Chris Ramos was president of  
9 the board at that point?

10 A That sounds right. He may have been, but I  
11 don't know 100 percent certain.

12 Q All right. And how long did that meeting last,  
13 if you recall?

14 A Just as a guess I would say maybe an hour.

15 Q Was there any discussion of holding a  
16 no-confidence vote as to the chief during that meeting?

17 A Yes.

18 Q And do you recall who proposed that?

19 A I don't know if it was only one person. I know  
20 Davis had spoke out and was requesting it. He was very  
21 adamant about it.

22 Q Did he say why it was he was proposing?

23 A Because of past incidents that had happened.

24 Q What sort of past incident was he talking  
25 about?

1           A     Past discipline. I believe that's what he was  
2 talking about.

3           Q     As you recall it, was he discussing discipline  
4 that he had been the subject of or discipline that had  
5 befallen other people?

6           A     I think it was overall discipline, the  
7 direction of where the department was going. But  
8 unfortunately I can't verbatim what was said on his  
9 behalf.

10          Q     Did you make any notes about anything that  
11 occurred at that meeting at any time?

12          A     No, I didn't make any notes.

13          Q     What was the outcome of his proposal that a  
14 no-confidence vote be held?

15          A     There was some individuals that were reluctant  
16 about the vote of no confidence. We also discussed the  
17 chief's review. I think that's the same time that we  
18 discussed that as far as completing the chief review.

19          Q     When you say "the chief's review," what do you  
20 mean by that?

21          A     Basically people wrote a review of the chief.

22          Q     And did they write it right, then, during the  
23 meeting?

24          A     No.

25          Q     Did you write anything for the chief's review?

1 A I did not.

2 Q Now, at the point in time that that meeting  
3 occurred in September -- I'm sorry -- in April, 2011, do  
4 you know if there was any discussion going on about  
5 possible promotions of persons to sergeant positions at  
6 the department?

7 A I don't recall.

8 Q Was there a reason that you didn't write  
9 anything as part of the chief's review?

10 A I was scared of possible retaliation.

11 Q And why is that?

12 A Just past behaviors that I had observed.

13 Q And what were they?

14 A Back when we switched from four tens -- or  
15 actually from three twelves to four tens, and then some  
16 of the individuals, some of the POA were unhappy with  
17 the four tens, we requested they go back to three  
18 twelves. At that point it was decided that instead of  
19 going back to that, we were going to be put on staggered  
20 shifts. And my perception of that was it was  
21 retaliation.

22 After that there was another incident with a  
23 smoking, like, thing where the City wanted it to be  
24 where we could no longer smoke when you were hired, but  
25 they would grandfather the old people. And I think it

1 A I don't recall.

2 Q Do you know if there were any mitigating  
3 factors in terms of his loss of the cell phone that  
4 didn't apply in your situation?

5 A No.

6 Q Approximately when was it that you received the  
7 written reprimand, would you say?

8 A I can't give a specific date.

9 Q Would it have been more or less than a year  
10 before that meeting in April of 2011?

11 A Possibly a year before, but I can't give you an  
12 exact, unfortunately.

13 Q And after that written reprimand, when was the  
14 next time that you were subject to any discipline with  
15 the department?

16 A I think I banged the front of a car when I was  
17 backing up, and that was the only other issue that I've  
18 had that I recall, anyways.

19 Q And do you recall what form of discipline you  
20 received for that?

21 A Just a letter of counseling.

22 Q That's basically for an avoidable damage to a  
23 unit?

24 A Yeah.

25 Q And after that when is the next time that you



1 were disciplined?

2 A I want to say it was the -- my I.A., internal  
3 investigation.

4 Q That would have been approximately August 16th  
5 of 2011?

6 A Yes.

7 Q So between the date of the meeting in April of  
8 2011 and August 16th, 2011 had you received any form of  
9 discipline from the department?

10 A From -- reclarify.

11 Q From the date of the meeting in April of 2011  
12 up to August 16th or 17th, whatever date it was in  
13 August when you had this I.A. that began, during that  
14 four-month period had you received any discipline from  
15 the department?

16 A I don't recall.

17 MR. CUNNINGHAM: And as we talked about at the  
18 last deposition, I have a set of documents pulled from  
19 our Rule 26 disclosures which come from the personnel  
20 file materials, and rather than get those in a position  
21 where they might become public records if the  
22 depositions are lodged, we'll just refer to them by  
23 their Bates number. And everybody has a set, and that  
24 way we don't have to attach the actual copies to the  
25 transcript.

1 Q Because of the nature of patrol duties, the  
2 unit that you operate during one shift is operated by  
3 someone else during another shift?

4 A That's correct.

5 Q And had you been told by any members of the  
6 other shifts that the audiovisual system in your unit  
7 was not functioning properly?

8 A No.

9 Q Did you ever learn whether the audio was  
10 working or not -- strike that.

11 Did you ever learn whether any audio was  
12 captured as to the traffic stop involving the subject of  
13 this citizen complaint?

14 A I believe they reviewed it and advised I had no  
15 audio.

16 Q If you turn to Page 32 in the packet of  
17 material, that's a Notice of Intent to discipline dated  
18 September 27th, 2011. Have you ever seen this document  
19 before that's several pages in length and goes to  
20 Page 37?

21 A I believe I've seen it before.

22 Q All right. And the signature that appears for  
23 Brian Ford on Page 36 is Page 5 of the document itself,  
24 that's your signature?

25 A Yes.

1 Q And you signed it as received on  
2 September 30th, 2011?

3 A It looks that way.

4 Q And was this the first time that you were  
5 advised of the outcome or at least the proposed outcome  
6 of the internal affairs investigation?

7 A I believe this was the first time I was advised  
8 of what they recommended or what they were saying it  
9 was.

10 Q All right. And the recommended discipline at  
11 Page 436, which is Page 5 of the document above the  
12 black line is a 160-hour work suspension without pay,  
13 which would essentially be a month off work; is that  
14 correct?

15 A Yes.

16 Q And after you received that notification, did  
17 you set up a Skelly meeting with the chief?

18 A Yes, I did.

19 Q And was your attorney present with you at that  
20 meeting?

21 A Yes, he was.

22 Q And was the meeting recorded?

23 A Yes, it was.

24 Q Have you ever read all or a part of the  
25 transcript of the recording?

1 A No, I have not.

2 Q Are you aware that such a transcript exists?

3 A It may. I don't know.

4 Q All right. Now, take a look, if you would, at  
5 Page 38. Do you recall receiving a copy of this letter?

6 A I do.

7 Q And at the bottom of the page the signature for  
8 Brian Ford, that's your signature?

9 A Yes, it is.

10 Q And the date of receipt is November 4, 2011?

11 A Yes.

12 Q And so that would be the day that you received  
13 it?

14 A Yes.

15 Q And is it your understanding that during the  
16 course of that meeting there was a discussion about  
17 resolving the discipline matter?

18 A Yes.

19 Q By settlement? Yes?

20 A Yes.

21 Q And in fact you were provided with a copy of  
22 the settlement agreement along with the Skelly letter?  
23 And that would be at Pages 38 through 40; is that  
24 correct?

25 A That's correct.

//

1 Q And this document bears your signature, does it  
2 not, on Page 40?

3 A Yes.

4 Q And dated November 4, 2011 being the date that  
5 you signed it?

6 A That's correct.

7 Q And also has the signature of the chief on the  
8 same date? Yes?

9 A Looks to be. I don't know. It's kind of  
10 chunked off a little bit, but it looks like his  
11 signature.

12 Q And was it your understanding at the time you  
13 signed this document that you were resolving the  
14 discipline issue between yourself and the department?

15 A That I was resolving the issue?

16 Q Yes.

17 A Yes.

18 Q All right. And what were the terms -- strike  
19 that.

20 Initially you had been advised that the  
21 recommended discipline was 160 hours of suspension  
22 without pay; is that correct?

23 A That's correct.

24 Q And under the terms of this agreement that  
25 suspension was reduced to 12 hours, and that was to be

1 held in abeyance for one year; is that correct?

2 A That's correct.

3 Q And do I understand, then, correctly that you  
4 were not actually suspended without pay?

5 A That's correct.

6 Q And then it was also stated on Page 39 at  
7 numbered Paragraph 3, "Upon successful completion of the  
8 one-year time period and provided there are no pending  
9 or additional disciplinary actions during the year, the  
10 suspension will be converted to a written reprimand and  
11 placed in the personnel file."

12 Correct?

13 A Correct.

14 Q And based on your recollection was there any  
15 additional or pending disciplinary proceedings against  
16 you during the year following the signing of the  
17 settlement agreement?

18 A Additional to this, or just another write-up  
19 after?

20 Q Well, not related to this incident or the  
21 incidents described in this discipline, but were you  
22 written up for anything in addition --

23 A To this incident.

24 Q -- new and different between November 4, 2011  
25 and November 4, 2012?

1 A Yes.

2 Q And what was the nature of that one?

3 A I believe it was a week after this incident or  
4 maybe two weeks. It was during a briefing. I had  
5 received a citation correction during the briefing, and  
6 I forget. It was a section that was changed in 2012. I  
7 had asked around the round table if anybody knew what  
8 the correct new section was. Sergeant Velazquez said  
9 she didn't know but she'd look into it for me. I think  
10 about a week after that I received a write-up for asking  
11 the question and I should have been able to find the  
12 answer on my own.

13 Q When you say you received a write-up for it,  
14 was it your understanding that that was a formal written  
15 reprimand?

16 A I received a letter of counseling for it.

17 Q And that's non-punitive; correct?

18 A I believe so.

19 Q Other than that letter of counseling are you  
20 aware of any other disciplinary actions that were taken  
21 against you or were pending during that one-year period?

22 A No.

23 Q And in numbered Paragraph 6 at Page 40, which  
24 is the last page of the set of documents, Paragraph 6  
25 states, "By signing this settlement agreement Ford

1 specifically acknowledges and agrees that he waives his  
2 right to any further appeal of this disciplinary  
3 action."

4 Is that correct?

5 A Yes.

6 Q And at the time that you -- strike that.

7 The terms of the settlement agreement that you  
8 signed on November 4, were those discussed during the  
9 Skelly meeting?

10 A They were loosely discussed, but I believe the  
11 attorney and the chief had drafted something, and then  
12 they looked it over and then submitted it to me, and  
13 then I looked it over and signed it.

14 Q All right. So you signed the with the advice  
15 of your counsel?

16 A Yes.

17 Q Now, during the Skelly discussion that you had  
18 with the chief, was the subject of your having been  
19 discourteous to your sergeant something that was  
20 discussed?

21 A I don't recall all the details of that meeting.

22 Q Is there anything about the meeting that you  
23 recall?

24 A I remember little details of it, but I'm not  
25 going to remember every detail of it.



1 Q So it would be the written reprimand and the  
2 potential that you might have to serve the 12-hour  
3 suspension?

4 A Yes, within the first year, which has already  
5 passed.

6 Q Right. And so you never had to actually serve  
7 that suspension?

8 A No, I did not.

9 Q Did you ever have to -- strike that.

10 Since the date of that Skelly, have you applied  
11 for any promotions or new or special assignments within  
12 the department?

13 A No.

14 MR. CUNNINGHAM: I need to use the restroom,  
15 and then we'll probably be able to wrap it up real  
16 quickly. Give me just a couple of minutes.

17 (A brief recess was taken.)

18 MR. CUNNINGHAM: Okay. Back on the record.

19 BY MR. CUNNINGHAM:

20 Q During your conversation with the subject of  
21 the traffic stop and Sergeant Velazquez, was that in the  
22 lobby of the --

23 A Yes, it was.

24 Q -- department? And during that conversation  
25 did you and the subject of the call or the stop talk

16

1 about whether or not you could have towed his vehicle?

2 A I believe we talked about that.

3 Q When you were there at the traffic stop, did  
4 you tell the subject of the stop that you had the right  
5 to tow his vehicle?

6 A Yes.

7 Q Did you ever determine whether in fact that was  
8 true?

9 A I don't believe it was true. I actually  
10 researched it after the fact, but at the time I believed  
11 it was true.

12 Q Okay. And when the subject of the call came to  
13 the lobby, was that one of the issues he wanted to talk  
14 about with you?

15 A I believe so.

16 Q And did Sergeant Velazquez advise you that  
17 there was an issue about whether you would have had the  
18 right to tow his vehicle at any point in time around  
19 that conversation with the subject?

20 A While in the room?

21 Q Let's say before you went into the room or  
22 while you were in the room.

23 A I believe Velazquez actually asked Autrey, and  
24 then we talked about it briefly before going in there.

25 Q Okay. So was Corporal Autrey there as well?

1 STATE OF CALIFORNIA )

2 COUNTY OF RIVERSIDE )

ss.

3  
4 I, Diane Carver Mann, C.S.R. No. 6008, in  
5 and for the State of California, do hereby certify:

6 That prior to being examined, the witness named  
7 in the foregoing deposition was by me duly sworn to  
8 testify to the truth, the whole truth, and nothing but the  
9 truth;

10 That said deposition was taken down by me in  
11 shorthand at the time and place therein named and  
12 thereafter reduced to typewriting under my direction, and  
13 the same is a true, correct, and complete transcript of  
14 said proceedings;

15 That if the foregoing pertains to the original  
16 transcript of a deposition in a Federal Case, before  
17 completion of the proceedings, review of the transcript  
18 ~~was~~ was ( ) was not required.

19 I further certify that I am not interested in the  
20 event of the action.

21 Witness my hand this 30<sup>th</sup> day of May,  
22 2013.

23 Diane Carver Mann

24 Certified Shorthand Reporter

25 for the State of California